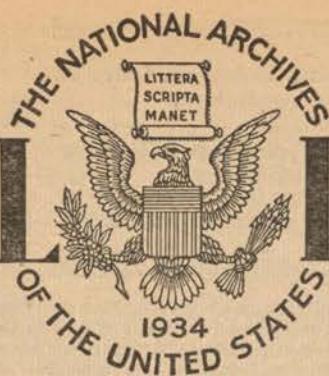


FEDERAL REGISTER



VOLUME 12

1934

NUMBER 173

Washington, Thursday, September 4, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, the Commission has determined that appointments to the positions listed below should be made in the same manner as are appointments to positions under Schedule A.

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* * * *

(5) *Navy Department.* * * *

(viii) Alien scientists employed under the program for utilization of alien scientists approved under pertinent State, War and Navy Coordinating Committee Directives.

(42) *Civil Service Commission.* Student assistants whose salaries shall not aggregate more than \$832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Appointments under this subdivision shall not exceed 90 working days in any one calendar year.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

RETENTION PREFERENCE

Section 20.3 is amended as follows:

§ 20.3 *Retention preference—(a) Classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups as follows:

(b) *Bureau of Indian Affairs; preferred retention standing of employees of Indian descent.* Within each of the subgroups in paragraph (a) of this section competing employees in the Bureau

of Indian Affairs composed of Indians and non Indians, employees with Indian preference shall have preferred retention standing over all competing non Indians in the same subgroup.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

PART 27—ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Part 27 is revised as follows:

Sec.

- 27.1 Maximum stipends prescribed.
- 27.2 Stipends under existing agreements with trainees.
- 27.3 Stipends of trainees assigned to Federal hospitals as affiliates.
- 27.4 Exclusion of other trainee positions and establishment of maximum stipends.
- 27.5 Extent of regulations.
- 27.6 Inquiries.

AUTHORITY: §§ 27.1 to 27.6, inclusive, issued under Public Law 330, 80th Congress, approved August 4, 1947.

§ 27.1 *Maximum stipends prescribed.* In accordance with the provisions of Public Law 330, 80th Congress, approved August 4, 1947, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) for student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, and student occupational therapists, except as otherwise provided in § 27.2, are hereby approved:

Student Nurses

St. Elizabeths Hospital:

First year training.....	\$775
Second and third year training, maximum total for two years.....	1,225

NOTE: The maximum total stipend of \$1,225 for the second and third years is effective only so long as student nurses at St. Elizabeths Hospital are assigned during these years to affiliated hospitals for one year of training with no compensation other than maintenance.

All other Federal hospitals:

First year training.....	\$775
Second year training.....	865
Third year training.....	985

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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1946 SUPPLEMENT

to the

CODE OF FEDERAL REGULATIONS

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¹ See Title 5, Part 6.

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Medical or Dental Interns and Residents

Gallinger and Freedmen's Hospitals:	
First year approved post graduate training	\$1,600
Second year approved post graduate training	1,900
Third year approved post graduate training	2,200
Fourth year approved post graduate training	2,500
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150
All other Federal hospitals:	
First year approved post graduate training	2,200
Second year approved post graduate training	2,400
Third year approved post graduate training	2,700
Fourth year approved post graduate training	3,000
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (student dietitians)—one year approved post graduate training	\$1,470
Physical therapy interns (student physical therapists)—one year approved post graduate training	1,470
Occupational therapy interns (student occupational therapists)—approved clinical training in affiliation with an approved school of occupational therapy (a month)	122.50

§ 27.2 Stipends under existing agreements with trainees. Stipends (total amount paid, including maintenance allowances and other payments in kind) under existing agreements with trainees in accordance with maximum stipends approved by the Commission under the provisions of Executive Order 9750, and which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements, provided that statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1947.

§ 27.3 Stipends of trainees assigned to Federal hospitals as affiliates. Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.4 Exclusion of other trainee positions and establishment of maximum stipends. Requests for approval by the Commission of exclusions from the provisions of the Classification Act of 1923, as amended, of other positions filled by persons employed on a student-employee basis assigned or attached to

a hospital, clinic, or medical or dental laboratory, as provided in section 2 of Public Law 330, 80th Congress, and for approval of maximum stipends not provided in §§ 27.1 or 27.2, should be submitted promptly to the Commission with full supporting information.

§ 27.5 *Extent of regulations.* Maximum stipends provided in §§ 27.1 and 27.2 apply to any "hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia", unless rates of compensation are otherwise provided by law.

§ 27.6 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Field Section, Personnel Classification Division, telephone extension 651, and, in the field, to the appropriate regional or branch regional office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMMING,
Acting President.

[F. R. Doc. 47-8154; Filed, Sept. 3, 1947;
8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 398]

PART 61—SCHEDULED AIR CARRIER RULES

TAKING OFF FROM LA GUARDIA, N. Y., AND NEWARK, N. J., AIRPORTS; TAKE-OFF RULE APPLICABLE TO AIR CARRIER AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of August 1947.

The purpose of this special regulation is to exempt air carrier aircraft from the necessity of complying with the provisions of § 61.7209 of the Civil Air Regulations at LaGuardia Field, New York, and at Newark Airport, Newark, New Jersey. That section, which restricts the banking of air carrier aircraft until a minimum altitude of 500 feet has been attained, has the effect of requiring flight over highly congested areas at low altitudes. The avoidance of low flight over such congested areas is deemed more in the interest of safety than the observance of the requirement that no turns be accomplished below 500 feet.

The Board finds that compliance with the provisions of section 4 of the Administrative Procedure Act is unnecessary because of the limited application of this regulation, and that since this regulation imposes no additional burden, it may be made effective on less than a 30-day notice.

Effective August 25, 1947, the Civil Aeronautics Board makes and promulgates the following special civil air regulation:

Notwithstanding the provisions of § 61.7209 of the Civil Air Regulations, air carrier aircraft operated in scheduled air transportation taking off from La Guardia Field, N. Y., or Newark Airport, Newark, N. J., may be banked when an

altitude not less than 300 feet has been attained and the aircraft has passed over the boundary of such airport.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8180; Filed, Sept. 3, 1947;
8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Commissions, Boards, Institutions, and Foundations

Subchapter E—The Institute of Inter-American Affairs

PART 900—ORGANIZATION

Pursuant to the "Institute of Inter-American Affairs Act," Public Law 369, 80th Congress, approved August 5, 1947, and the Administrative Procedure Act of 1946 (60 Stat. 237), Title 22 of the Code of Federal Regulations is hereby amended by deleting the material contained in present Part 900, Subchapter E, Chapter II and substituting the following material in lieu thereof, and by eliminating entirely the present Subchapter F, Part 1000.

Sec.
900.1 Creation.
900.2 Central organization.
900.3 Field Offices.
900.4 Program.
900.5 Additional information.

AUTHORITY: §§ 900.1 to 900.5, inclusive, issued under sec. 3, 60 Stat. 238, Public Law 369, 80th Congress, approved August 5, 1947; 5 U. S. C., Sup. 1002.

§ 900.1 *Creation.* The Institute of Inter-American Affairs was created a body corporate and as an agency of the United States of America by Public Law 369, known as the "Institute of Inter-American Affairs Act," approved August 5, 1947. The purposes of the Institute are to further the general welfare of, and to strengthen friendship and understanding among, the peoples of the American republics through collaboration with other governments and governmental agencies of the American republics in planning, initiating, assisting, financing, administering, and executing technical programs and projects, especially in the fields of public health, sanitation, agriculture, and education.

In accordance with the provisions of section 12 of the act, The Institute of Inter-American Affairs and the Inter-American Educational Foundation, Inc., two Government corporations caused to be created under the laws of the State of Delaware, transferred effective as of opening of business August 9, 1947, to The Institute of Inter-American Affairs (the new corporation created by the act) and the new corporation accepted the transfer of all necessary personnel, the assets, funds, property, debts, liabilities, obligations, and duties, and all rights, privileges, and powers subject to all restrictions, disabilities, and duties of the two Delaware corporations.

§ 900.2 *Central organization.* (a) The central organization of the corporation is located in Washington, D. C., where its policies and functions are determined by its board of directors, appointed by the Secretary of State, and are put into operation by appropriate officers and division directors. The divisions of the Institute consist of the following:

Health and Sanitation Division.
Food Supply Division.
Administration Division.
Education Division.

(b) In addition the corporation maintains a General Counsel's Office and an Information Section.

§ 900.3 *Field offices.* As of August 9, 1947, the principal field offices of the corporation are located in the capital cities of the following countries:

Bolivia.	Haiti.
Brazil.	Honduras.
Chile.	Mexico.
Colombia.	Panama.
Costa Rica.	Paraguay.
Dominican Republic.	Peru.
Ecuador.	Uruguay.
El Salvador.	Venezuela.
Guatemala.	

§ 900.4 *Program.* (a) The program of the Institute is carried out pursuant to cooperative agreements between the corporation and each of the other American republics concerned, for the development of higher standards of public health and sanitation (Health and Sanitation Division), the development of improved means of food production (Food Supply Division) and the development of educational programs in the other American republics (Education Division), with emphasis on general education, particularly in rural areas, in the elementary, secondary, and normal schools; vocational and health education; and the teaching of the English language.

(b) Each of the field parties in the respective countries is under the supervision of a chief of party of the Institute who is authorized to represent the Institute in the particular country and to manage its operations in carrying out the terms and conditions of each agreement.

§ 900.5 *Additional information.* Additional information concerning The Institute of Inter-American Affairs may be secured by addressing the President, The Institute of Inter-American Affairs, 499 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] RICHARD J. PLUNKETT, M. D.,
Acting President.

[F. R. Doc. 47-8155; Filed, Sept. 3, 1947;
8:45 a. m.]

Subchapter F—Inter-American Educational Foundation, Inc.

PART 1000—ORGANIZATION

DELETION OF SUBCHAPTER

CROSS REFERENCE: For deletion of Subchapter F, Part 1000, see Part 900 of this chapter, *supra*.

TITLE 32—NATIONAL DEFENSE**Chapter VII—Sugar Rationing Administration, Department of Agriculture**

[Sugar Inventory Control Order 1, Revocation]

PART 705—ADMINISTRATION

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, Sugar Inventory Control Order 1, § 705.7 is revoked.

This order of revocation shall become effective 12:01 a. m., e. d. s. t., August 30, 1947.

Issued this 29th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Rationale Accompanying Revocation of Sugar Inventory Control Order No. 1

The purpose of Sugar Inventory Control No. 1, issued August 1, 1947, was to prohibit an unwarranted accumulation of sugar stocks in the hands of industrial and institutional users of sugar, by wholesalers and retailers of sugar or by persons who might purchase sugar for speculative purposes immediately after decontrol of industrial rationing on July 28, 1947.

Because of restrictions imposed by sugar regulations inventories of sugar at the time of decontrol were at a comparatively low level, and in order to assure equitable distribution of sugar throughout the continental United States to industry and consumers alike an inventory control measure was deemed necessary.

Recently primary distributors have begun to catch up on their backlog of orders and are in a much better position now to meet current sugar requirements than they were at the time industrial rationing was removed. It is, therefore, possible to remove inventory controls at this time.

[F. R. Doc. 47-8178; Filed, Sept. 3, 1947; 8:48 a. m.]

Chapter IX—Office of Materials Distribution,¹ Bureau of Foreign and Domestic Commerce, Department of Commerce

[General Preference Order M-112, as Amended September 3, 1947]

PART 1138—ANTIMONY

Section 1138.1 *General Preference Order M-112* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of antimony for the national defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest, to promote the national defense, and to effectuate the policies set forth in the Second Decontrol Act of 1947.

§ 1138.1 General Preference Order M-112.

¹ Formerly Office of Temporary Controls, Civilian Production Administration.

DEFINITIONS

(a) *Definitions.* For the purposes of this order, "antimony" means and includes the following, whether acquired domestically or by import and whether obtained from private or government sources:

(1) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;

(2) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;

(3) Liquated antimony, sometimes known as "needle antimony", "crude antimony" or "Crudum", which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;

(4) Any alloy containing 50 percent or more by weight of antimony in any of the forms listed in (a) (1), (2), and (3) above;

(5) Antimony oxide which results from the processing of any form of antimony or antimony-bearing material;

(6) Antimony sulphide (precipitate or synthetic) which results from the processing of any form of antimony or antimony-bearing material.

RESTRICTIONS

(b) *Accepting delivery.* No person shall accept delivery of antimony except in such amounts and kinds as may be specifically authorized in writing by the Office of Materials Distribution for a particular period and subject to any use restrictions specified in the authorization. This restriction does not apply in the following cases:

(1) *Small lots.* Antimony may be accepted by any person in lots of 224 lbs. (contained antimony) or less, but the total quantity of contained antimony which any person may receive in any calendar month from all sources of supply under this subparagraph shall not exceed 224 lbs.

(2) *RFC.* Antimony may be accepted by the Office of Metals Reserve, Reconstruction Finance Corporation, or by any agent of that corporation. (See paragraph (g) below about obtaining delivery from RFC.)

(3) *Imports.* Imported antimony may be accepted by the person making the import. Subsequent acceptances of that antimony by other persons are subject to the general restriction of paragraph (b) above.

(c) *Shipments to Canada.* No person may ship antimony to Canada unless he has received a written certificate in substantially the following form from the person to whom shipment is to be made or from his representative:

This is to certify that the antimony ordered herewith is for shipment to Canada and that the undersigned (or the person he represents) has received authorization for such shipment from the Office of Materials Distribution covering the amount ordered, in the form ordered.

Signature

Paragraph (f) (1) below explains how authorizations for Canada may be obtained.

(d) *Exports to other countries.* Exports of antimony to any country other than Canada are subject to any export license requirements of the Office of International Trade, Department of Commerce.

(e) *Directions.* The OMD may from time to time direct, in writing, the manner and quantity in which antimony shall be delivered, accepted, or used. Such action may also be taken with respect to antimony-bearing lead scrap or secondary antimony-bearing lead alloys. The OMD may also require, in writing, that any person seeking to place a purchase order for antimony place it with one or more particular suppliers.

APPLICATIONS FOR AUTHORIZATION

(f) *Form OMD-2931 Applications.* Applications for authorization to accept delivery of antimony shall be made on Form OMD-2931 (in triplicate) to the Office of Materials Distribution not later than the 20th day of the month preceding the month in which delivery is requested. Failure by any person to file an application in accordance with this paragraph may be construed as notice to OMD that such person does not desire an authorization to accept antimony.

In considering applications, the OMD will take into account the following factors: the available supply of the form of antimony requested; the applicant's ability to use other forms of antimony, substitute materials, etc.; and the applicant's inventory position. Applications will not be approved by OMD when it finds that the applicants can obtain and use less critical materials from secondary sources or substitute materials.

(1) *Applications from Canada.* Applicants in Canada should file Form OMD-2931 with the Priorities Officer, Department of Reconstruction and Supply, Ottawa, Canada. Where the Priorities Officer recommends approval, he will forward the applications, with his recommendations, to the Office of Materials Distribution.

(g) *Requests for delivery from RFC.* Approval of a Form OMD-2931 application does not entitle the applicant to obtain the authorized antimony from the Reconstruction Finance Corporation. If the applicant is unable to obtain delivery from commercial sources, he may request OMD to recommend delivery from RFC. Request is to be made by letter, reporting what efforts have been made to obtain delivery from commercial sources. The OMD will not arrange for delivery from RFC unless satisfied that the antimony cannot be obtained otherwise.

REPORTS

(h) *Reports on inventory, use and shipments.* A report on Form OMD-2931 (in triplicate) shall be filed (in accordance with the instructions on the form) by the 20th day of each month by the following:

(1) Any person who on the first day of the preceding month had in his possession or under his control 2240 pounds or more of contained antimony.

(2) Any person who used, shipped, or used and shipped during the preceding month 2240 pounds or more of contained antimony. In the case of producers, dis-

tributors, and importers, they shall list all shipments made during the report month.

This report must be filed regardless of whether or not the person wishes authorization to accept antimony during the next succeeding month.

INVENTORY

(i) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements in the next 30 days, excepting in the case of antimony in the forms listed in paragraph (a) (1) which shall be limited to 45 days. This restriction does not apply to a producer of antimony.

MISCELLANEOUS

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material subject to OMD orders and regulations and may be deprived of priorities assistance.

(k) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of appeal. Appeals, reports, and all communications concerning this order shall, unless otherwise directed, be addressed to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref. M-112.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of September 1947.

OFFICE OF MATERIALS
DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-8235; Filed, Sept. 3, 1947;
11:07 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 25th day of August A. D. 1947.

It appearing, that by report and order dated October 24, 1918, the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "An Act to Save Daylight and to Provide Standard Time," approved March 19, 1918, which limits, as subsequently amended from time to time, were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928 (49 U. S. C. 139);

It further appearing, that a petition filed by the City of Knoxville, Tenn., and the towns of Greenville and Norris, Tenn., was denied on October 15, 1941, in the twenty-fourth supplemental report in this proceeding (246 I. C. C. 721);

It further appearing, that upon petition of the Chamber of Commerce and the Junior Chamber of Commerce of Knoxville, Tenn., for modification of the orders entered herein, the proceeding was reopened for further hearing;

And it further appearing, that such further hearing has been held and full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed the twenty-seventh supplemental report containing its findings of fact and conclusions thereon, which said twenty-seventh supplemental report is hereby referred to and made a part hereof:¹

It is ordered, That the said order of October 24, 1918, as subsequently amended, as restated in the said order of May 19, 1928, and corresponding sections of the Code of Federal Regulations (49 CFR 139), are hereby amended as follows:

Section 139.3, *Boundary line between eastern and central zones*, is amended as follows:

Railroad	From—	To—
Louisville & Nashville.....	Line of Knox County, Ky.....	Northern limits of Corbin, Ky.
Do.....	Apalachicola River.....	River Junction, Fla.
Nashville, Chattanooga & St. Louis.....	Georgia-Tennessee State line (east of Hooker, Ga.).	Georgia-Tennessee State line (west of Hooker, Ga.).
Southern.....	Georgia-Tennessee State line (north of Wildwood, Ga.).	Georgia-Alabama State line (southwest of Sulphur Springs, Ga.).
Do.....	Georgia-Alabama State line (west of Etna, Ga.).	Rome, Ga.
Do.....	Georgia-Alabama State line (west of Hooper, Ga.).	Western limits of Atlanta, Ga.

Subparagraph (2), *Lines west of the boundary included in the eastern zone*, so far as it now provides exceptions for the Big Sandy & Kentucky River Railway and for the Carolina, Clinchfield & Ohio

1. Paragraphs (c), (d), and (e) are consolidated and superseded by the following paragraphs (c) and (d);

(c) *Kentucky.* From Catlettsburg south immediately west of and parallel with the Big Sandy division of the Chesapeake & Ohio Railway to the northern boundary of Lawrence County, Ky.; thence westerly and southerly along the west line of Lawrence, Johnson, and Floyd Counties and the south line of Pike County to the boundary line between Kentucky and Virginia; thence southwesterly along that State boundary line to the east line of Harlan County, Ky.; thence northwesterly and southwesterly along the east and north lines of Harlan County and westerly along the north lines of Bell, Knox, Whitley and McCreary Counties, Ky., to the line of the Cincinnati, New Orleans & Texas Pacific Railway (Southern Railway system); thence southerly just east of and parallel with that road to the boundary between Kentucky and Tennessee.

(d) *Tennessee.* Thence southerly just east of and parallel with the line of the Cincinnati, New Orleans & Texas Pacific Railway to the north line of Rhea County, Tenn.; thence southeasterly and southwesterly along the north and east lines of Rhea County and east line of Hamilton County, Tenn., to the boundary between Tennessee and Georgia.

2. Paragraphs (f) *Georgia* and (g) *Florida* are relettered (e) and (f) respectively.

3. Paragraph (h) *Operating exceptions* is relettered (g) and amended as follows:

Subparagraph (1) *Lines east of the boundary excepted from the eastern zone*, so far as it now provides exceptions for the railroads named below, is amended so as to eliminate the present exceptions of those roads and to substitute in lieu thereof the revised exceptions shown opposite each of the roads so named:

Railroad	From—	To—
Chesapeake & Ohio.....	Line of Johnson County, Ky.....	Carver, Ky.
Louisville & Nashville.....	Line of Knox County, Ky.....	Manchester and Herron, Ky.
Nashville, Chattanooga & St. Louis.....	Tennessee-Georgia State line (north of Graysville, Ga.).	Eastern limits of Chattanooga, Tenn.
Southern.....	Line of Hamilton County, Tenn., (west of Mineral Park, Tenn.).	Do.
Do.....	Tennessee-Georgia State line (south of Howardville, Tenn.).	Ooltewah, Tenn.
Do.....	Georgia-Alabama State line (west of Early, Ga.).	Attalla, Ala.

¹ Filed as a part of the original document.

RULES AND REGULATIONS

4. Paragraph (1) would be superseded by the following:

(h) *Points on boundary line.* Appalachia, Fla., located upon the above-described zone boundary line shall be considered as within the United States standard eastern time zone. All other municipalities located upon the above-described zone boundary line, not specifically named, shall be considered as within the United States standard central time zone.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian September 28, 1947.

It is further ordered, That the petitions of the Chamber of Commerce and Junior Chamber of Commerce of Knoxville, Tenn., so far as they seek a further westward extension of the zone boundary, are hereby denied.

And it is further ordered, That notice to the general public shall be given by de-

positing a copy of this order in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of Federal Register.

(40 Stat. 450-451, 41 Stat. 1446, 42 Stat. 1434; 15 U. S. C. 261-265)

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8158; Filed, Sept. 3, 1947;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 930]

HANDLING OF MILK IN TOLEDO, OHIO, MILK
MARKETING AREARECOMMENDED DECISION AND OPPORTUNITY
TO FILE WRITTEN EXCEPTIONS WITH
RESPECT TO PROPOSED AMENDMENTS TO ORDER
AND MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Toledo, Ohio, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., postmarked not later than 10 days after the publication of this recommended decision in the *FEDERAL REGISTER*.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Northwestern Cooperative Sales Association. Additional proposals were submitted by the Dairy Branch, Production and Marketing Administration. The public hearing was held at Toledo, Ohio, July 24-25, 1947, upon notice published in the *FEDERAL REGISTER* on July 16, 1947 (12 F. R. 4722).

The material issues developed at the hearing were concerned with the following:

1. Revising the provisions of the order so as to permit the classification of producer milk used to produce cottage cheese as Class III milk rather than as Class II milk, and;

2. Providing a fixed minimum price for Class I milk during the 1947-48 short production season.

Findings and conclusions. The findings and conclusions herein set forth, together with the reasons therefor, are, on the basis of the hearing record, as follows:

1. The definitions for "other source milk" and "Class II milk" should be revised to permit the receipt of cottage cheese as other source milk and the classification of producer milk used to produce cottage cheese as Class III milk.

At present, producer milk used to produce cottage cheese is classified as Class II milk. The record indicates that cottage cheese is made from both producer milk and other source milk and disposed of in the Toledo marketing area. Other source milk is bought at approximately the price for Toledo Class III milk. Class III milk is priced substantially below Class II milk. Thus handlers marketing cottage cheese made from producer milk are at a competitive disadvantage compared to handlers and nonhandlers marketing cottage cheese made from other source milk. If these conditions were allowed to continue handlers would probably secure their cottage cheese from other source milk and discontinue using producer milk for its production, thus in effect force producer milk into some other Class III product.

The inter-relationship of the definition for "other source milk" with the definition for "producer milk" and the classification provisions require that the definition for "other source milk" be revised to include cottage cheese when cottage cheese is classified as Class III milk.

2. The Class I milk price provision should be revised to provide a fixed minimum price in the seasonal pricing plan for the short production season of 1947-48.

The order provides that the price for Class I milk be established at stipulated seasonal levels above the basic formula price. The basic formula price is the highest of 3 alternative prices; i. e. (1) the price paid farmers for milk by 18 named midwest condenseries, (2) a price computed from the price of butter and

cheese, and (3) a price computed from the price of butter and powder. Usually the price paid by 18 condenseries has been the highest of these alternatives.

The basic formula does not reflect fully all the factors necessary to arrive at a price for Class I milk. The order therefore provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect price making factors not covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest.

The basic formula price has decreased \$1.56 from November 1946 to June 1947, the last month reported in the hearing record. This has been due to an unprecedented decline in the prices paid to producers supplying condenseries. Over a 21-year period (1925-1945, inclusive) the average seasonal variation for condensery pay prices between the short production season and the following flush production season is shown to be approximately 39 cents per hundredweight of milk. During this period of time the greatest seasonal variation was about 80 cents for the seasons of 1929-30 and 1930-31. This reduction occurred during a period of declining commodity prices. The prices paid by the 18 midwest condenseries reached a 1946 short production seasonal high of \$4.54 per hundredweight for the month of November. The prices paid by these same condenseries reached a 1947 flush production seasonal low of \$2.975 for the month of June, representing a seasonal drop of \$1.565 during a period when commodity prices were increasing.

Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

The prices of livestock and grains have advanced sharply in 1947. Also, the pre-

vailing prices of hogs, sheep, beef cattle, cash grains, and other alternative enterprises open to most producers of inspected milk are at relatively high levels, and offer returns to farmers which will tend to discourage milk production if relatively low milk prices continue to prevail over an extended period of time.

General urban economic conditions and business activity indicate a continuing good demand for milk and milk products in the Toledo market.

The industry has in recent years received supplemental milk supplies from sources other than regular producers, especially during the seasons of short production, to meet sales requirements. There has been a slight increase in the amount of milk received by Toledo handlers in 1947 compared to 1946, but this upward production trend is partly due to an increase in the number of producers and cannot be expected to continue at present price levels.

Handlers contend that the present Class I price differential, over the basic formula price, represents a fair relationship between fluid milk prices and manufactured milk prices. This relationship does appear to be sound over a long period of time and under normal price conditions. The unprecedented drop in the basic formula price at a time when the price of feeds, labor, and supplies show substantial increases appears to constitute a fluid milk price emergency and a short-time price guarantee must be placed in the order to assure a reasonable return to producers which will enable them to maintain a level of production required by the market.

Toledo handlers compete with fluid milk buyers in other areas, including Detroit, Cleveland, Columbus and Dayton. Producer shifts between these fluid milk markets are sensitive to current price relationships. Unless the basic price increases seasonally much more than normally the present Toledo milk order would yield a lower producer price for the short production months of the 1947-48 season than are anticipated in important competing markets.

The record shows practically all costs incurred by farmers in the production and marketing of milk, such as feeds, labor and supplies, have increased substantially during the past year and particularly during 1947. The prospects are that the production of 1947 feed crops will be below the feed crops of last year for the country as a whole. In the Toledo milkshed the late and wet spring season has materially reduced the production of oats, hay and corn.

The basic formula price plus the seasonal Class I price differential does not assure producers that the Class I milk price will be adequate during the short production months of the 1947-48 season. To give this assurance in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area and insure a sufficient quantity of pure and wholesome milk and be in the public interest; it is concluded that Order No. 30 should provide for the months of September, October, Novem-

ber, and December 1947 a price for Class I milk not less than \$4.65 and a price for January 1948 not less than the December 1947 price minus 44 cents and a price for February 1948 not less than the January 1948 price minus 44 cents (3.5 percent butterfat content).

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Northwestern Cooperative Sales Association and various handlers subject to Order No. 30. The briefs contain statements of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, such findings and conclusions are denied.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete from § 930.1 (1) the words "other than cottage cheese."

2. Delete from § 930.4 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; or eggnog.

3. At the end of § 930.5 (a) (1) add the following: "Provided, That in no event shall such Class I milk price for each of the months of September, October, November and December 1947 be less than \$4.65; Provided further, That such Class I milk price for each of the months of January and February 1948 shall not be less than such price for the preceding month minus 44 cents."

Filed at Washington, D. C., this 29th day of August 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 47-8179; Filed, Sept. 3, 1947;
8:49 a. m.]

[7 CFR, Part 971]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.),

(hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held at Dayton, Ohio, on May 7-9, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on May 2, 1947 (12 F. R. 2958), upon certain proposed amendments to the order, as amended, and a proposed marketing agreement regulating the handling of milk in the Dayton-Springfield marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 30, 1947 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 5, 1947 (12 F. R. 5306).

The material issues presented on the record of the hearing were:

1. Extending the time limit for performing certain related acts such as filing reports, announcing prices, making payments, etc., required by the order;

2. Revising the definition of Class II milk and Class III milk so as to classify milk used to produce cottage cheese as Class III;

3. Revising the method of determining a handler's maximum plant shrinkage allowed as Class III milk;

4. Revising the method of allocating classified milk to producer's milk with respect to interhandler transfers.

5. Revising the classification provisions to provide that milk or cream disposed of beyond a 90 mile radius from the handler's plant shall be classified as Class I or Class II, respectively;

6. Revising the method of determining the basic formula price;

7. Revising the Class I and Class II price differentials above the basic formula price to replace the bracket differentials with fixed differentials, to establish a definite pattern of seasonal prices, and to raise the annual average level of the price differentials;

8. Revising the method of determining the value of Class III skim milk and butterfat;

9. Establishing an individual-handler type of pool in place of the present market-wide pool;

10. Establishing an alternative method of computing the price to be received by producers of so-called special high fat content milk (Golden Guernsey, Jersey Creamline) that will give special price consideration to the returns of such producers;

11. Revising the method of determining a handler's pro-rata share of the expense of administration; and,

12. Revising the method of determining the deductions for marketing services performed by the market administrator.

Findings and conclusions. The findings and conclusions herein set forth,

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together with the reasons therefor, are, on the basis of the hearing record, as follows:

(1) The time limit required by the order for performing certain related acts such as filing reports, announcing prices, making payments, etc., should be extended two days.

Handlers are required to file reports with the market administrator on or before the 5th day of each month showing their receipts and utilization of milk for the preceding month. This reporting date is the key date with respect to the establishment of all other dates concerning the announcements of prices and making payments. Extending the time schedule will delay the date on which producers are paid for their milk. The record indicates some handlers and the market administrator have experienced considerable difficulty and added expense in attempting to meet the present time schedule, particularly when week-ends and holidays fall within the reporting period or experienced office help becomes ill.

It is concluded that the time schedule for filing reports, announcing prices, making payments and performing the other related acts required by the order, should be extended two days and that such an extension of these dates will result in a more efficient operation of the order.

The producers association took exception to the recommended decision to extend the time limit allowed handlers for filing reports and making payment to producers, because such action would be detrimental to many producers so as to accommodate a small minority of handlers. Obviously producers should be paid at as early a date as is practicable. However, the record does not indicate that delaying the pay date two days would be necessarily detrimental to producers particularly since handlers make regular advance payments to producers. Also the records show that some handlers do experience considerable hardship in meeting the present time schedule especially during months when they have the problem of reconciling many inter-handler transactions prior to filing reports. The record justifies the adoption of the recommended decision.

(2) The definitions for Class II milk and Class III milk should be revised so as to classify milk used to produce cottage cheese as Class III milk.

The health department regulations of Dayton, Ohio, do not require cottage cheese to be made from grade "A" or producer milk. Cottage cheese may be disposed of in the marketing area by competing dairymen not regulated by the order. A substantial quantity of cottage cheese is manufactured by handlers from other than producer milk and is disposed of in the marketing area, especially during the fall and winter months, when the supply of producer milk is below the level necessary to fill the manufacturing and fluid milk and cream requirements of the marketing area. Thus, the record indicates that milk made into cottage cheese is competitive with and should have a price comparable to the price of milk used for manufac-

turing purposes rather than to the price of Class II milk as established by the order.

It is concluded that milk used to produce cottage cheese should be classified as Class III milk rather than Class II milk as at present.

(3) The method of determining a handler's maximum plant shrinkage allowed as Class III milk should be revised to provide that the handler actually "weighing in" milk transferred from another handler will receive the Class III shrinkage allowance on such milk.

The present order provides that the handler reporting receipts of milk from producers will be the handler actually having "weighed in" and processed such milk. The record shows that, in many instances, producer's milk is diverted directly from the farm to the plant of a handler other than the reporting handler and that the processing losses actually occur at the plant where the milk is "weighed in."

It is concluded that the method of determining a handler's maximum plant shrinkage allowed as Class III milk should be revised to provide that milk transferred from one handler to another handler shall be included only in the calculations of the handler "weighing in" such milk for the purpose of determining Class III plant shrinkage on skim milk and butterfat.

(4) The method of allocating classified milk to producer milk, with respect to inter-handler transfers, should not be revised to provide that milk so transferred will be the first allocated to the lowest classification of the transferee handler.

When milk is transferred from one handler to another handler, a problem may arise as to the reconciliation of each handler's net utilization of milk to their receipts of milk. The order provides that the transferor handler's classification for transferred milk is dependent upon its classification for the transferee handler. The order further provides that, in the reconciliation of the total classified milk to the receipts of producer milk, the receipts from other sources shall be the milk first eliminated from the transferee handler's lowest classification and that milk received from another handler may only be classified as to the milk then remaining in each class. These provisions of the order, designed to give producer milk priority over other source milk, do make it difficult for handlers to agree on pricing at the time of transfer since the ultimate classification of such milk may not then be known. The proposal to first eliminate transferred milk from the transferee handler's lowest classification on the basis of an agreed classification before eliminating receipts from other sources would simplify this problem. However, the record discloses that such an arrangement could result in producer milk being displaced by milk received from other sources and other methods of handling this problem, not having the inherent weakness of the proposal, are available to handlers.

It is therefore concluded that the present method of allocating classified milk to producer milk with respect to

interhandler transfers should not be changed.

(5) The classification provisions of the order should not be revised at this time to provide that milk or cream disposed of beyond a 90-mile radius from the handler's plant shall be classified as Class I or Class II, respectively.

The record shows that, for handlers to avail themselves of the best markets, it has been necessary to dispose of milk and cream for manufacturing purposes, beyond a 90-mile radius, particularly during the months of flush production when producer milk exceeds local fluid requirements.

There is some indication that producer milk has been shipped from the Dayton-Springfield area when the area was already short of producer milk to meet the local fluid milk and cream requirements. It would seem that producers are entitled to the Class I price for milk shipped at such times. However, to require that all milk or cream disposed of beyond a 90-mile radius must be classified as Class I or Class II could well create a major problem by imposing a requirement which would impede the marketing of milk for other than fluid purposes especially during periods when supplies of producer milk exceed the local fluid milk and cream requirements.

It is concluded that the present method of determining a handler's classification of milk and cream should not, at this time, be revised with respect to milk or cream disposed of beyond a 90-mile radius from a handler's plant.

(6) The method of determining the basic formula price should not be revised at this time to include the average price paid farmers by 7 "so-called" local condenseries as an additional alternative formula, nor to provide that the basic formula price should be the average rather than the highest of the several alternative formulas.

The present order provides that the basic formula price shall be the highest of three alternative formula prices; i. e., the average field price paid farmers by 18 named Midwest condenseries, the so-called butter-cheese formula, and the so-called butter-powder formula. Producers proposed that the average field price paid by 7 named Ohio condenseries be added as a fourth alternative formula. Handlers proposed that the 3 percent alternative formula prices be averaged to determine the basic formula and, that if the 7 named Ohio condenseries are added as a fourth alternative formula, the four alternative formula prices should be averaged to determine the basic formula price. The record indicates that both producers and handlers are seeking a basic formula price that will be a reliable index as to the value of milk for manufacturing purposes and then build from this index, by the addition of class price differentials representing price-making factors not fully reflected in the basic formula or peculiar to the local market, a fluid milk price which will procure an adequate supply of milk for the marketing area and be in the public interest. The primary difference between handler and producer proposals, as indicated by the record, is as to what constitutes the proper basic price. Both the Ohio con-

denseries prices and the average of the various alternative formulas prices seem to reflect a price pattern similar to the basic formula price now in effect (although at different levels) and do not appear to employ any new price-making factors. During the period in which the order has been in effect the present method of determining the basic formula price seems to have provided a reasonably accurate index of the value of milk for manufacturing purposes. If the fluid milk prices resulting from the application of the class price differentials to the basic formula price do not properly reflect local price-making factors, it would seem more logical to change the differentials rather than to seek a new basic formula price.

It is concluded that the present method of determining the basic formula price should not be revised at this time.

(7) The Class I and Class II price differentials above the basic formula price should be revised to replace the bracket system of differentials with fixed differentials and to establish a definite pattern of seasonal prices (including floor prices for the 1947-48 short production season) and also to raise the annual average level of these price differentials.

The testimony indicates that fixed differentials rather than the present bracket system should be used in determining the Class I and Class II milk prices in relation to basic formula price. For the purpose of determining Class I and Class II prices the present basic formula price is arranged in brackets or at intervals which permit variations up to 22½ cents per hundredweight before a change is brought about in the Class I and Class II price differentials. The record indicates that under the bracket system the Class I and Class II price differentials have not been sensitive to the changes occurring in the basic formula price. The bracket system has had a tendency to disrupt regional milk prices by reflecting prices that are out of line with neighboring markets. Also, contra-seasonal price trends have occurred under the bracket system which have been disturbing to the market. Producers often do not know, within a 22½-cent range, what their class prices will be from month to month, which adds further uncertainty to the normally expected changes occurring in the basic formula price.

A seasonal price pattern was proposed by both producers and handlers. The record shows that there has been a mal-adjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Dayton-Springfield area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipts of milk from producers vary greatly between the seasons of the year. The variation in the receipts of producers' milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 the November production was only approximately 62 percent of that for June. Both

producers and handlers proposed a 2 (May and June), 6 (February, March, April, July, August, and September), and 4 (January, October, November, and December) grouping of months in the proposed seasonal price pattern. The record indicates the desirability of eliminating the intermediate group of months. The period of relatively high production occurs in the months of April, May, June and July. The record shows no substantial difference in the production characteristics between the months of April and July, and May and June. Similarly the months of February, March, August and September seem to have production characteristics more akin to the period of short production. Producers and handlers insist that the Dayton-Springfield prices must be related to the prices paid in competing markets. The adoption of a 4-8 grouping of months will provide a seasonal pattern similar to that in effect in the Cincinnati and Columbus markets. The cost of producing milk is considerably higher during the fall and winter months than for April, May, June, and July. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Dayton-Springfield market. A Class I price differential, employing floor prices, in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level pattern of production. Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

Recent price plans employed in the Dayton-Springfield area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or the requirements of the local market. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that the fall and winter prices will be substantially higher than for May and June. Seasonality in the price pattern will afford an incentive to shift milk production from spring to fall and winter months.

The record supports the adoption of a seasonal Class I price differential whereby the price for Class I milk would be \$1.05 over the basic formula price for the 8 months of August through March as compared to \$0.75 over the basic formula price for the 4 months of April through July. Normally, the basic formula price will be from 20 to 40 cents higher during the short production

months than for the flush production months. Also, normally the percentage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 20 cents higher blend price compared to the flush production months. Adding these three factors together it is estimated the blend price for the short production months will exceed the April through July prices from 70 to 90 cents.

Further, the record shows that handlers have procured milk from sources other than producers to meet the demand for Class I and Class II milk, especially during the period of short production. Not all such milk met the quality standard required of producer milk.

General economic conditions and business activity indicate an expanding demand for milk and milk products in the Dayton-Springfield area. Local industrial expansion, at increasing urban wage levels, tends to reduce the availability of farm labor and increase the cost of farm labor.

The prices of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, and equipment, have increased during the past year and particularly during February, March, and April of this year.

Attempting to find an index that will reflect many milk price making factors, the order provides a basic formula price for manufacturing milk. The basic formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefore provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price-making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased \$1.56 from November 1946 to June 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Dayton-Springfield handlers compete with milk buyers in other areas, including the adjacent deficit Cincinnati area, for milk supplies to be used for fluid milk purposes. The record shows that for several months the Cincinnati price has

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been substantially higher than the Dayton-Springfield price. Both handlers and producers agree that the Dayton-Springfield milk price must be kept in close alignment with the milk prices prevailing in competing areas if an adequate supply of pure and wholesome milk is to be secured.

It is concluded that the proper weighing of the above-mentioned price making factors indicate the need for revising the Class I and Class II prices to (1) replace the bracket system of differentials with fixed differentials, (2) establish a definite pattern of seasonal prices, and (3) raise the annual average level of the differentials. It is further concluded that the milk producers of the Dayton-Springfield area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basic formula. In order to obviate inherently abnormal price relationships between the basic formula prices and fluid milk prices during the uncertain postwar marketing conditions a floor price for Class I milk and Class II milk is established below which the price will not be permitted to go during the short production months of the 1947-48 season. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing from April through July to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market.

These changes are accomplished by revising the present bracket system of differentials to the following pattern for determining the value of 3.5 percent butterfat content milk.

Month	Class I differential over basic formula price	Class II differential over basic formula price
April through July	\$0.75	\$0.45
August through March	1.05	.75
Average	.95	.65

Provided. That for the months of September, October, November and December 1947 the price for Class I milk and Class II milk shall not be less than \$4.69 and \$4.39, respectively. *Provided further,* That such prices for January 1948 shall not be less than such December 1947 prices minus \$0.44 and that such February 1948 prices shall not be less than such January 1948 prices minus \$0.44.

Handlers, in their exceptions to the recommended decision, contend that the fixing of floor prices in the order for Class I and Class II milk is not in accordance with law, because no notice was given in the hearing call and no evidence was received on the subject matter. The notice contained proposals from both handler and producer dealing with the method of determining the price for Class I and Class II milk. These proposals were concerned with revising basic formula prices, class differential prices, and the seasonality of milk prices. The

pith of these proposals and the testimony thereon goes to the heart of the subject matter, the level of prices for Class I and Class II milk. The establishment of fixed minimum or floor prices for these classes of milk comes within the scope of the proposals to consider the level of such milk prices. Exceptions of handlers also contend that the establishment of floor prices runs counter to the recommended discontinuation of the bracket system of Class I and Class II price differentials in order to make such class prices more sensitive to the basic formula price. As previously pointed out both handlers and producers agree that there should be a close correlation between basic prices and fluid milk prices from a longtime standpoint. To discontinue the bracket system of class differentials because it tended to distort fluid milk prices in relation to basic price is one thing. To temporarily lay aside, in part, the use of the basic formula plan of pricing milk in favor of fixed minimum prices to guarantee the price of fluid milk to producers is another matter. As shown by the record the recent course of prices gives less assurance than usual that the basic formula will reflect adequate fluid milk prices for the next few months. Producers contend the unusual uncertainty in price matters causes them to hesitate to increase milk production so urgently needed by the Dayton-Springfield area during the 1947-48 short production season. The adoption of floor prices for the next few months will remove this uncertainty and tend to stabilize the fluid milk price pattern. Floor prices are considered to be within the scope of the notice of hearing and are reasonable on the basis of the record.

(8) The method of determining the value of Class III skim milk and butter-

fat should be revised to provide a seasonal price comparable to the price of competitive milk and further to provide a single price for the present so-called "Class III Regular" and "Class III Ice Cream" butterfat.

There is a large supply of milk produced for manufacturing purposes within the Dayton-Springfield milkshed and adjacent territory. The Health Department regulations of Dayton do not require that ice cream, cottage cheese, and other manufactured dairy products be made from Grade "A" or producer milk. During the flush production months the supply of producer milk exceeds the fluid milk and cream requirements of handlers and such excess milk must be utilized in manufactured products which are sold in competition with products made from milk not priced by the order. The record indicates that, during the flush production season, Class III producer butterfat has been priced relatively high to competitive butterfat. During the short production months, substantial quantities of milk from sources other than producers has been imported by handlers. During the short production season a very limited quantity of producer milk is available for manufacturing purposes to compete with the other source milk. Thus, the present price level should be increased for producer milk utilized in Class III products during the period of short supply.

It is concluded that the method of determining the values of Class III skim milk and butterfat should be revised to provide a seasonal price comparable to the price of competitive milk and to provide one price for the present so-called "Class III regular and Class III ice cream butterfat" but giving skim milk and butterfat the following values:

Month	Skim milk	Butterfat other than butter
April through July	Apply present formula	Apply present "regular" formula.
August through March	Apply present formula plus 20¢ per cwt.	Apply average, Chicago 92-score, wholesale butter price times 1.25.

The new butterfat price for the months of August through March is approximately equivalent to the weighted average of the present price for "regular" and "ice cream" butterfat for such months. Such a pricing plan will facilitate the marketing of all producer milk during the period of flush production and accentuate the variation of seasonal prices employed for Class I and Class II milk.

Dayton handlers excepted to the recommended decision with reference to the matter of seasonal pricing of Class III milk. Objection is made to the finding that the short production season is of 8 months' duration (August through March) rather than to the level of the Class III price for this period. Handlers contend that short production season should be the 4 months of October through January. The record indicates that the production, utilization and pricing of milk during the months of August, September, February, and March have more characteristics of the October through January period than the April through July period. The record further indicates that the level of the Class III price should be increased in conjunction

with the recommended decision to change the classification of milk used to produce cottage cheese from Class II to Class III and not to change from the market-wide pool to an individual-handler pool. The seasonal periods and the level of the price for Class III milk are reasonable on the basis of the record.

(9) An individual-handler type of pool should not be established in place of the present market-wide pool at this time.

Under the present market-wide pool all producers receive the same minimum uniform price. Under the proposed individual-handler pool, handler minimum uniform prices would vary, being dependent upon the utilization of milk by each individual handler. Thus under the individual-handler pool a handler having a relatively high Class I utilization would be required to pay producers a higher price than a handler having a relatively low Class I utilization. The record shows that there is considerable variation in the percentage of producer milk utilized in Class I as between handlers and that the individual-handler pool was proposed as an attempt

to reapportion supplies of producer milk between handlers by providing a price incentive under the order for producers to shift from low blend price handlers to high blend price handlers. Propponents of the individual-handler pool contend that a difference in the various uniform minimum prices would bring about producer shifts between handlers. However, since some handlers have paid producers in excess of the minimum uniform price in an effort to obtain greater supplies while other handlers have paid only the minimum uniform price required under the market-wide pool, it cannot be assumed that some variation in the uniform minimum prices under an individual-handler pool would effect a material reapportionment of milk supplies between handlers, especially during months of short supply. Furthermore, it cannot be assumed that low blend price handlers will permit a loss of their supplies because of a difference in minimum order prices, and unstable conditions in the market could result.

Handlers opposed to the adoption of an individual-handler pool contend that under the individual-handler pool there would be a tendency to decentralize the handling of supplies in excess of Class I and Class II requirements which now constitute a reserve supply for the market during months of short production. This reserve supply of milk under the market-wide pool is received by handlers having full and complete equipment for the most effective use thereof. If, under the individual-handler pool, reserve milk is shifted to plants with inadequate facilities for its most economical use there could develop a constant pressure to lower the Class III price.

The record shows that the supply problem has improved since the inception of the order. It is believed that the recommended class price amendments, if adopted, will further alleviate the supply situation. The record is inconclusive as to whether an individual-handler pool could accomplish this result in an orderly manner, but is rather indicative of the willingness of part of the industry to experiment in an effort to solve some supply allocation problems.

It is concluded that the individual-handler type of pool should not be established at this time in place of the market-wide type of pool.

Certain Dayton, Ohio, handlers excepted to the recommended decision not to change to an individual-handler pool at this time. The points raised were substantially the same as those presented in their brief on proposed findings and conclusions and were fully considered at the time the recommended decision was issued. The record indicates a supply allocation problem exists in the market but does not show that an individual-handler pool is necessary to correct the problem.

(10) An alternative method of computing the price to be received by producers of high butterfat content milk that will give special price consideration to the returns of such producers should not be established, but the producer butterfat differential rate should be kept equivalent to the revised price of butterfat

disposed of in Class III for other than butter making.

Four proposals were made to give special price consideration to high butterfat content milks, especially Golden Guernsey milk. These proposals would, in the alternative, provide for (i) a price premium for so-called special milk to set aside in a separate pool and paid by the handlers of and above the pool price, (ii) a reduction in the price of butterfat (over 3.5 percent) in high test bottled milk to the Class III butterfat level, (iii) payment to producers of so-called special milk a butterfat differential at a rate equal to the price of Class I butterfat or (iv) a butterfat differential to all producers of milk testing more than 3.5 percent of butterfat at a rate equal to the weighted average price of butterfat paid by the handler. (A fifth proposal would provide for an individual handler pool in substitution for the present market-wide pool. This proposal is disposed of in paragraph 9.)

The Dayton-Springfield order provides for the pricing of all producer milk received by handlers on a classified basis depending upon its use. Such a system permits all producers to share proportionately in the proceeds from the various uses to which milk is put and prevents any producer or group of producers from receiving a disproportionate share of the proceeds. This does not prevent handlers from paying premiums to producers over the order price for milk having special value to the handlers or their customers. The record indicates proposals (i), (ii), and (iii) above would give preferential price treatment to certain producers.

The record indicates that the market is somewhat long on butterfat and short on skim milk. The adoption of any of the above proposals would encourage the production of high butterfat content milk and would tend to increase this disparity between skim milk and butterfat. Also producers of high butterfat content milk do not have a fluid market for all the milk they produced and such excess milk, particularly the butterfat therefrom must be disposed of in manufactured products.

The record shows that the essential difference between Guernsey milk and other milk is one of butterfat content and that Guernsey milk does not differ materially from other milk of comparable high fat content.

Recognizing that the value of milk varies on the basis of its butterfat content the order provides a butterfat differential to adjust the price of milk to producers having a butterfat content varying from 3.5 percent. The principal issue therefore seems to be whether or not the rate of the butterfat differential is correct. The proposal to base the producer butterfat differential on the price for Class I butterfat or currently on the weighted average of the price paid by handlers for butterfat would tend to encourage the production of an excess of butterfat in relation to skim milk which does not appear to be justified by the record. The present butterfat differential is set at 120 percent of the value of 92-score Chicago wholesale butter price. Inasmuch as most of the butterfat in pro-

ducer milk testing in excess of the market average is disposed of in Class III products having a higher value than butter it appears logical that the butterfat differential should approximate the higher Class III value. This should not tend to encourage the production of butterfat for exclusive use in manufactured products but would enable the fluid milk producer having high butterfat content milk to realize the regular Class III price for the differential or excess fat used for manufacturing purposes by handlers.

It is concluded, therefore, that an alternate method of pooling high butterfat content milk should not be established, but the butterfat differential should be kept equivalent to the revised price of butterfat utilized in Class III for purposes other than butter manufacture.

(11) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market administrator (subject to review by the Secretary), (ii) elimination of the announcement by the market administrator of the applicable rate of assessment for the delivery period, and (iii) eliminate the administrative assessment on milk received from emergency and other sources not classified as Class I milk and Class II milk.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be unnecessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

The elimination of the administrative assessment on milk received from emergency and other sources not classified as Class I and Class II milk will place the assessment on milk primarily received for fluid purposes and result in a more equitable assessment between handlers, of the cost of administering the order. The date on which handlers are required to make payment of the assessment should be extended two days to conform with the revised time schedule contained in other sections of the order.

(12) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of pro-

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ducer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant. The date on which handlers are required to pay such deduction to the market administrator should be extended two days to conform with the revised time schedule contained in other sections of the order.

Rulings on exceptions to recommended decision. The recommended decision contained rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed by the findings and conclusions set forth herein. Exceptions were filed on behalf of certain handlers subject to Order No. 71 and by the producers association with respect to certain of the findings and conclusions contained in the recommended decision. With regard to the exceptions filed, this decision contains a ruling thereon in the discussion of the material issue to which the exception refers. Such other exceptions of a general, specific, or implied nature are hereby denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(d) The prorata assessment on handlers at a rate not to exceed two cents per hundredweight with respect to receipts by the handler, during each delivery period, of milk from producers (including such handlers own production), and skim milk and butterfat from emergency and other sources classified as Class I and Class II milk, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is hereby approved.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Dayton-Springfield, Ohio, Marketing Area" and "Order amending the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as further amended by the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 29th day of August 1947.

§ 971.0 Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1158, 4904) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereon, it is found that:

(a) The said order as amended and as hereby further amended,¹ and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is therefore ordered. That on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 971.2 (c) (7) the term "10th" and substitute therefor the term "12th".
2. Delete from § 971.3 (a) the term "5th" and substitute therefor the term "7th".
3. Delete from § 971.3 (b) (3) the term "20th" and substitute therefor the term "22d".
4. Delete from § 971.4 (b) (2) the phrase ": or (iii) as cottage cheese".
5. Add to § 971.4 (b) (3) (i) after the term "condensed skim milk," the term "cottage cheese".
6. At the end of § 971.4 (b) (3) (iii) change the period to a colon and add thereafter the following:

Provided. That skim milk or butterfat transferred by a handler to any plant of another handler, without first having been weighed and tested in the transferring handler's plant, shall be included in the receipts at the plant of the handler weighing and testing such skim milk or butterfat for the purpose of computing his plant shrinkage to be classified in Class III and shall be excluded from the receipts of the transferring handler for the purpose of computing his plant shrinkage to be classified in Class III.

7. Delete from § 971.4 (d) (1) (iii) the term "5th" and substitute therefor the term "7th".

8. Delete from § 971.4 (d) (2) (iii) the term "5th" and substitute therefor the term "7th".

9. Delete from § 971.5 the provisions of paragraphs (b) and (c) and substitute therefor the following:

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	\$0.75
All others	1.05

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Provided, That if the sum so obtained for any of the months of September, October, November, and December, 1947, is less than \$4.69 an amount shall be added so that the sum obtained will equal \$4.69: *Provided further*, That if the sum so obtained for January 1948 is less than the sum obtained for December 1947 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December 1947 minus \$0.44; and if the sum so obtained for February 1948 is less than the sum obtained for January 1948 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for January 1948 minus \$0.44.

(2) The price per hundredweight of Class I butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 135.

(3) The price per hundredweight of Class I skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk price*. The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	\$0.45
All others	.75

Provided, That if the sum so obtained for any of the months of September, October, November and December, 1947 is less than \$4.39 an amount shall be added so that the sum obtained will equal \$4.39: *Provided further*, That if the sum so obtained for January, 1948 is less than the sum obtained for December, 1947 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December, 1947 minus \$0.44, and if the sum so obtained for February, 1948 is less than the sum obtained for January, 1948 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for January 1948 minus \$0.44.

(2) The price per hundredweight of Class II butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 130.

(3) The price of Class II skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

10. Delete § 971.5 (d) (1) and (2) and substitute therefor the following:

(1) The price per hundredweight of such skim milk shall be computed for the months of April, May, June and July by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5; and for the months of January, February, March, August, September, October, November and December by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5 and adding 20 cents. (The price per pound of nonfat dry milk solids to be used for each such month shall be the average of the carlot prices for nonfat dry milk solids, roller process for human consumption, delivered at Chicago, as reported by the Department of Agriculture for such month, including in such average the prices published for any fractional part of the previous month which were not available at the time of such average price determination for the previous month).

(2) The price per hundredweight of such butterfat shall be computed for the months of April, May, June and July by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 120; and for the months of January, February, March, August, September, October, November, and December by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 125: *Provided*, That the price per hundredweight of butterfat made into butter shall be computed by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month by 120 and subtracting \$3.60 from the result.

11. Delete from § 971.7 (b) the term "10th" and substitute therefor the term "12th".

12. Delete from § 971.7 (e) (2) the term "10th" and substitute therefor the term "12th".

13. Delete from § 971.8 (a) (1), (a) (2), (b) (1), (b) (2), (d), (e) (1), and (e) (2), the terms "15th", "14th", "25th", "24th", "12th", "14th", and "14th", respectively, and substitute therefor the terms "17th", "16th", "27th", "26th", "14th", "16th", and "16th", respectively.

14. Delete § 971.9 and substitute therefor the following:

§ 971.9 *Expense of administration*. As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Milk from producers (including such handler's own production), and

(b) Skim milk and butterfat from emergency and other sources classified as Class I milk and Class II milk.

15. Delete the provisions of § 971.10 (a) and substitute therefor the following:

(a) *Deductions*. Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.8, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from association of producers, and shall pay such deductions to the market administrator on or before the 14th day after such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

16. Delete from § 971.10 (b) the term "14th" and substitute therefor the term "16th".

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.
[F. R. Doc. 47-8177; Filed, Sept. 3, 1947;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 03, 04a, 04b, 061]

MATERIALS, PARTS, PROCESSES AND
APPLIANCES

PROPOSED AMENDMENT TO CIVIL AIR
REGULATIONS

AUGUST 28, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to the Civil Air Regulations pertaining to materials, parts, processes and appliances.

The currently effective Civil Air Regulations require type certification of certain specified appliances. Other appliances, also certain materials, parts, and processes by regulation are subject to the approval of the Administrator of Civil Aeronautics without the necessity of being type certificated.

The Safety Bureau believes that the procedures involved in type certification of some appliances place an unnecessary burden upon the manufacturer, and that safety of aircraft would not be affected adversely if type certification were not required for such appliances. These proposed amendments to the Civil Air Regulations would make possible the elimination of many regulations requiring type certification of appliances.

Among other means of approval the Administrator will be in a position to publish the specifications adopted by him in the form of "Technical Standard Orders." Such Technical Standard Orders would be prepared by the Administrator in collaboration with representatives of the aircraft industry. When

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satisfactory specifications have been prepared for those appliances which presently require type certification, the Safety Bureau intends to recommend that the Board delete from the Civil Air Regulations the requirement of type certifying the pertinent appliances.

The proposed amendments are as follows:

1. Amend Parts 03, 04a, 04b, 06 by adding new §§ 03.06, 04a.07, 04b.05 and 06.05 as follows:

Approval of materials, parts, processes, and appliances. Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administra-

tor may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the military, federal, and aviation industry specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

NOTE: Specifications adopted by the Administrator are normally published in the form of Technical Standard Orders.

2. Amend Parts 03 and 04b by deleting §§ 03.300 and 04b.300.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau invites those interested to offer comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-8160; Filed, Sept. 3, 1947;
8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9563]

TERUKO IMAMURA

In re: Bank account owned by Teruko Imamura. F-39-1912-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teruko Imamura, whose last known address is Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Teruko Imamura, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, account number 160071, entitled Teruko Imamura, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-8161; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9583]

KIICHI SUZUKI

In re: Claim and bond owned by Kiichi Suzuki. F-39-5997-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiichi Suzuki, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kiichi Suzuki, by The Hawaii Times, Limited, 916 Nuuanu Avenue, Honolulu, T. H., appearing on its books and records as an account payable, in the amount of \$97.30, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. One Tokyo Electric Light Company, Limited, Bearer Bond, of \$1,000 face value, due June 15, 1953, bearing the number 32229, presently in the custody of The Hawaii Times, Limited, 916 Nuuanu Avenue, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-8162; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9617]

OTTO KUHL ET AL.

In re: Stock owned by Otto Kuhl and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto

and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two hundred and one and fifteen-tenths (201.5) shares of \$10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Names	Number of shares	Certificate Nos.	OAP file Nos.	Names	Number of shares	Certificate Nos.	OAP file Nos.
Otto Kuhl	2	679190	F-28-22360-D-1	Lydia Richter	0.1	50978	F-28-22397-D-1
	1	268144			.1	34400	
	.6	9638			.1	264091	
Emil Kuehnert and Elsa Kuehnert	1	318849	F-28-22359-D-1	Lina Rogg	3	31374	F-28-22398-D-1
	.1	26371			.2	422	
	.1	177509		Gustav Rohlender	2	718322	F-28-22399-D-1
Gerhardt Lamp	.5	67622	F-28-22361-D-1	Gertrude Rothermel	1	673389	F-28-22400-D-1
	.1	9641		Joachim Rutzl	.2	428	
Gertrude Lessen	2	53636	F-28-22362-D-1		2	618938	F-28-22401-D-1
	.1	9657			.2	2483	
Paul Leibig	1	108295	F-28-22364-D-1	Hilde Saftenberger	.5	387368	
	1	119134			.1	693592	F-28-22402-D-1
	.7	58857		Gustave Sager	2	768551	F-28-22403-D-1
Margaret Leis	2.5	374318	F-28-22365-D-1		.4	231139	
Edward Lenz	1	746866	F-28-22366-D-1	Hanny M. Scheinzbach	2	37087	F-28-22404-D-1
	.1	34398		Elsie Schneidt	4	981166	F-28-22405-D-1
Ruth Letocha	1	297592	F-28-22367-D-1	Karl Schocke	5	240605	F-28-22406-D-1
Eugene Lillenthal	12	646405	F-28-22368-D-1		.4	885959	
Otto Ludewig	18	1109	F-28-22370-D-1	Erna Schulz	9	7343	
	8	1110		Fritz Schunk	.3	2997	F-28-22408-D-1
	18	439447		Gertrude Schuster	1	68896	F-28-22409-D-1
Selma Ludewig	16	439464	F-28-22371-D-1	L. Steinegger	2.5	329403	F-28-22410-D-1
	.1	439445		Charles Steinmetz	1.7	72257	
Anna Maehl	1	143273	F-28-6137-D-2	John Stempelhuber	.4	273980	F-28-22411-D-1
Paul Morgan	2.5	49482	F-28-22376-D-1		1	261668	F-28-22412-D-1
Karl Mallak and Jenny Mallak	1	316863	F-28-22373-D-1	Nina Beatrice Stone	1	744674	F-28-22413-D-1
	.1	70224		Mary Anstett Stuetzel	.2	369484	
Walter Manz and Anna Manz	.7	73339	F-28-22374-D-1		.4	351663	F-28-22414-D-1
Sophie Mittelhamer	1	139548	F-28-22375-D-1		1	764655	F-28-22415-D-1
Annie Nuesslein	1	303013			1	101033	
	.2	339038		Ignaz Trauner	.2	358119	
	1	246905	F-28-22310-D-2		2	240187	F-28-22416-D-1
	1	406086		Karl Wagner	.5	11078	
	1	528399		Getrude Weischedel	2	746972	F-28-11263-D-1
William Oldewage	.8	297656	F-28-22380-D-1	Lily Wieland	.2	11460	
	10	3907		Carl A. Wilfert	1.5	70626	F-28-22417-D-1
Hermann Perlstein	10	5002	F-28-22381-D-1	Reinrich Willmann	1	61597	
	.6	99724			1	91013	F-28-22418-D-1
	10	363866			1.5	940025	F-28-22419-D-1
Thea Kaiser Pleninger	.2	98331	F-28-22382-D-1		1	63295	
Elise Pook	.1	98349	F-28-22384-D-1		1	785915	F-28-22420-D-1
Heinrich Rehm	3	6136	F-28-22395-D-1		1	785916	
	1	641900			1	785917	
Hedwig Reichl	.4	200642			.5	785918	
	.1	87018			1	26161	
	.2	378556			1	26162	
Theresa Reil	.2	209451	F-28-22396-D-1		1	26163	
	5	59960	F-28-14075-D-1		1	26164	
	10	77721			1	26165	
	10	37786		Hertha Winter	.2	397157	F-28-22421-D-1
	.6	953625		Herman Schoe	2	AL19983	F-28-28343-D-1
	.4	7705			2	XL362716	
	.4	27509		Margaret Eggenhofer	1.5	780674	D-28-10905-D-1
	.7	44684			.2	59806	
Lydia Richter	.8	48984	F-28-22397-D-1				

¹ One share each.

² Each number inclusive.

[F. R. Doc. 47-8166; Filed, Sept. 3, 1947; 8:47 a. m.]

[Vesting Order 9610]

GOTTFRIED A. DUBELMAN

In re: Stock and bond owned by and debt owing to Gottfried A. Dubelman, also known as G. A. Dubelman. F-28-6761-A-1, F-28-6761-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottfried A. Dubelman, also known as G. A. Dubelman, whose last known address is Eppendorferlandstr. 60, Hamburg 20, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty (20) shares of \$100 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A 387316, registered in the name of Gottfried A. Dubelman, together with all declared and unpaid dividends thereon,

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b. Ten (10) shares of \$100 par value capital stock of Northern Pacific Railway Company, 176 East 5th Street, St. Paul, Minnesota, a corporation organized under the laws of the State of Wisconsin, evidenced by certificate number 187140, registered in the name of Gottfried A. Dubelman, together with all declared and unpaid dividends thereon,

c. Twelve (12) shares of \$1 par value class A common capital stock of Savoy-Plaza, Inc., 767 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number A F 8354, registered in the name of Gottfried A. Dubelman and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

d. One (1) Savoy-Plaza, Inc. mortgage income bond, due October 1, 1956, of \$1,000 face value, bearing the number M 3841, registered in the name of Gottfried A. Dubelman, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation owing to Gottfried A. Dubelman, also known as G. A. Dubelman, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a custodian cash account, entitled G. A. Dubelman, together with any and all accounts thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8165; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9671]

JOHN ALBERS

In re: Estate of John Albers, deceased. File D-28-11717; E. T. sec. 15923.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Hastedt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of John Albers, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8167; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9675]

HERMAN BURGER

In re: Estate of Herman Burger, also known as Herman J. Burger, deceased. File D-28-11674; E. T. sec. 15884.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma B. Rotmund, Matida Hepp, Maria Burger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, except Otto Burger, a resident of the United States, of Maria Burger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Otto Burger, and each of them, in and to the estate of Herman Burger, also known as Herman J. Burger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Otto Burger, as administrator of the estate of Herman Burger, also known as Herman J. Burger, deceased, acting under the judicial supervision of the Union County Surrogate's Court, Elizabeth, New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, except Otto Burger, a resident of the United States, of Maria Burger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8168; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9677]

WALTER EHEMANN

In re: Estate of Walter Ehemann, deceased. D-28-8075; E. T. sec. 11609.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Ehemann, Charlotte (Lotte) Kirste nee Ehemann, K. (Willy) Ehemann and Arno Ehemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Walter Ehemann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Walter Ehemann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John T. Dempsey, as administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs, names unknown, of Walter Ehemann, deceased, are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8169; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9678]

JOSEPH HACKS

In re: Estate of Joseph Hacks, deceased. File No. D-28-11055; E. T. sec. 15479.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Hacks, Clothilde Weishebrinck, Eda Hacks Paulzen (named in Will as Eda Hacks), and Emma Pohleen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Ludwig Hacks, the personal representatives, heirs, next of kin, legatees and distributees of Clothilde Weishebrinck, the personal representatives, heirs, next of kin, legatees and distribu-

tees of Eda Hacks Paulzen, and the personal representatives, heirs, next of kin, legatees and distributees of Emma Pohleen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Joseph Hacks, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Muriel B. Fenouillet, as Administratrix c. t. a., acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the personal representatives, heirs, next of kin, legatees, and distributees of Ludwig Hacks, the personal representatives, heirs, next of kin, legatees and distributees of Clothilde Weishebrinck, the personal representatives, heirs, next of kin, legatees and distributees of Eda Hacks Paulzen, and the personal representatives, heirs, next of kin, legatees and distributees of Emma Pohleen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8170; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9680]

JAKOB HERZ

In re: Estate of Jakob Herz, deceased. File No. D-28-9306; E. T. sec. 12273.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Haefner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Jakob Herz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Alice Kobler, as administratrix de bonis non, acting under the judicial supervision of the Surrogate's Court, County of Bronx, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8171; Filed, Sept. 3, 1947;
8:47 a. m.]

[Vesting Order 9681]

MARIA KAMPFE

In re: Estate of Maria Kampfe, deceased. File No. D-28-10421; E. T. sec. 14810.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wolf George, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Maria Kampfe, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer, as Public Administrator, acting

NOTICES

under the judicial supervision of the Surrogate's Court of Nassau County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8172; Filed, Sept. 3, 1947;
8:48 a. m.]

[Vesting Order 9687]

RYUICHI NISHIMURA

In re: Estate of Ryuichi Nishimura, deceased. File D-39-19062; E. T. sec. 16066.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ina Nishimura, Tokiichi Nishimura, Eisuke Nishimura, Chiyo Nishimura and Tosoko Nishimura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the heirs at law and next of kin, names unknown, of Ryuichi Nishimura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Ryuichi Nishimura, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

4. That such property is in the process of administration by Anthony S. Carvalho, as Administrator, acting under the judicial supervision of the Circuit Court of the Third Circuit, Territory of Hawaii; and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the

heirs at law and next of kin, names unknown, of Ryuichi Nishimura, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8173; Filed, Sept. 3, 1947;
8:48 a. m.]

[Vesting Order 9689]

SOPHIE RASCH

In re: Estate of Sophie Rasch, a/k/a Sophie M. Rasch, a/k/a Sophie Marie Rasch, deceased. File No. 017-21106.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Wilkens, Lucie Wilkens, Else Herms, Ingeborg Binkert, Theodor Neddermann, Junior, and Gerda Neddermann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof and each of them in and to the estate of Sophie Rasch, also known as Sophie M. Rasch, also known as Sophie Marie Rasch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Richter, as Executor, acting under the judicial supervision of the Surrogate's Court of Kings County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8174; Filed, Sept. 3, 1947;
8:48 a. m.]

[Vesting Order 9691]

ELL TORRANCE

In re: Trust under the will of Ell Torrance, deceased. File D-28-2375; E. T. sec. 4290.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Torrance, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$4,189.96 was paid to the Attorney General of the United States by Ell Torrance, Jr., Trustee of the Trust under the Will of Ell Torrance, deceased;

3. That the said sum of \$4,189.96 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on

February 14, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8175; Filed, Sept. 3, 1947;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

KINY, JUNEAU, AND KTKN, KETCHIKAN,
ALASKA

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSES¹

The Commission hereby gives notice that on August 15, 1947, there were filed with it the applications (BAL-635 and BAL-636) for KINY, Juneau and KTKN, Ketchikan, Alaska, from Edwin A. Kraft to William J. Wagner, trading as Alaska Broadcasting Company, Anchorage, Alaska. The proposal to assign the licenses of KINY and KTKN arises out of a contract of July 31, 1947 as amended under which the licensee, Kraft, proposes to sell to Wagner the physical assets of KINY for \$95,000 of which \$50,000 is payable upon assignment of the license and the balance is to be paid in installments with 5% interest per annum, the last of which is due 4 years from date of bills of sale and deeds conveying the properties. Under the contract both stations may be sold for a total of \$140,000 of which \$75,000 is payable upon assignment of the licenses and the balance is to be paid in installments bearing 4% interest per annum, the last of which is due 4 years from execution of the instruments conveying the properties. Further information as to the arrangements may be found with the applications and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 the Commission was advised on August 27, 1947, that notice concerning the applications would be given starting on said date in daily newspapers where the stations are located, in conformity with said section.

In accordance with the procedure set out in said section, no action will be had upon the applications for a period of 60 days from August 27, 1947, within which

time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS
COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8163; Filed, Sept. 3, 1947;
9:00 a. m.]

[Docket No. 8511]

WESTERN UNION TELEGRAPH CO.

ORDER TO SHOW CAUSE

In the matter of The Western Union Telegraph Company; closure of branch office at Charlottesville, Virginia.

At a session of the Federal Communications Commission at its offices on the 29th day of August 1947;

It appearing, that on December 14, 1946, The Western Union Telegraph Company filed a formal application with the Commission, File No. T-D-731, for authority under section 214 of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations, to close its Class 2A tele-printer-operated "UN" branch office at 1527 Main Street, Charlottesville, Virginia; that no decision has yet been reached by the Commission with respect to said application; and that this application has been the subject of an investigation because of the receipt of numerous protests regarding the proposed office closure;

It further appearing, that on August 22, 1947, an investigation was made in Charlottesville, Virginia, by members of the Commission staff with respect to the above application and it was then found that the "UN" branch office had been closed since June 27, 1947, with the exception of several days in July and August, 1947, without any form of authorization from the Commission, in apparent violation of section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations, particularly §§ 63.61 and 63.62;

It is ordered, Pursuant to sections 214, 401 and 403 of the Communications Act of 1934, as amended, that The Western Union Telegraph Company shall appear before the Commission's Telegraph Committee, or any member or members thereof, on the 8th day of September 1947, at the offices of the Commission in Washington, D. C. and show cause:

(1) Why it closed its "UN" branch office at 1527 Main Street, Charlottesville, Virginia, without prior authorization by the Commission under Section 214 of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations;

(2) Why the apparent violation by The Western Union Telegraph Company of section 214 of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations, should not be referred to the Attorney General of the United States under section 401 of the Communications Act of 1934, as amended, for appropriate enforcement and punitive action under the provisions of the Communications Act.

Section 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8217; Filed, Sept. 3, 1947;
10:11 a. m.]

¹Section 1.321, Part I, Rules of Practice and Procedure.

NOTICES

INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 279]

RECONSIGNMENT OF CARROTS AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 27, 1947, by Simon Siegal, of car FGE 37569, carrots, now on the Chicago Produce Terminal to Faba Fruit Co., Baltimore, Md. (Stop off Columbus) via PRR.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8156; Filed, Sept. 3, 1947;
8:45 a. m.]

[S. O. 396, Special Permit 280]

RECONSIGNMENT OF TOMATOES AT
CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 28, 1947, by Lamanti Arrigo Bros., of car PFE 41057, tomatoes, now on the CB&Q to Yeckes Eichenbaum, Inc., New York City.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8157; Filed, Sept. 3, 1947;
8:45 a. m.]